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FCC-MAILROOM

Before the FC Federal Communications Commission Washington, D.C. 20554

In the Matter of)
Amendment of 73.202 (b)) MB Docket No
Table of Allotments FM Broadcast Stations (Pining Star Manual)	lm-10982
(Rising Star, Texas))

To: John Karousos, Assistant Chief Audio Division of the Media Bureau

PETITION FOR RULE MAKING

Pursuant to 47 C.F.R. 1.401, Charles Crawford respectfully petitions the FCC to institute a Rule Making proceeding to amend the FM Table of Allotments to add Channel 290C3 at Rising Star, Texas.

DISCUSSION

Petitioner respectfully submits that the public interest would be served by allocating Channel 290C3 to Rising Star, Texas as that community's first local FM service. Rising Star is an incorporated city with a population of 835 people and 53 businesses that have been given a credit rating by Dun & Bradstreet as of the last quarter of 2000 according to the Texas Almanac 2002/ 2003. Rising Star has a General Law Type A government with six

councilmen, including own mayor Earl Harris. Rising Star has its own elementary, junior high and high school with a student population of 240 students. The proposed channel 290C3 will provide additional diversity and an outlet for local self-expression to Rising Star residents and therefore is in the public interest.

Attached hereto is a channel study confirming that Channel 290C3 can be allocated to Rising Star, Texas, consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment A) Note: Channel 290C3 at Rising Star, Texas and Channel 290C2 at Baird, Texas were dismissed by Report & Order, DA 03-3746, released November 26, 2003. (See, Attachment B)

Reference coordinates for Rising Star, Texas are:

32 05 54 N 98 58 00 W

Should this petition be granted, and Channel 290C3 be allotted to Rising Star, Texas Petitioner will apply for Channel 290C3, and after it is authorized, will promptly construct the new facility.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,

Charles Crawford 4553 Bordeaux Ave. Dallas, Texas 75205 (214) 520-7077 Tele (214) 443-9308 F

Fax

cc: Gene A. Bechtel, Law Office of Gene Bechtel, Suite 600, 1050 17th Street, N.W., Washington, D.C. 20036, telephone (202) 496-1289, telecopier (301) 762-0156, attorney for Charles Crawford. It is requested that the Commission and any parties who may file pleadings in the captioned matter serve copies to Mr. Bechtel as well as Charles Crawford.

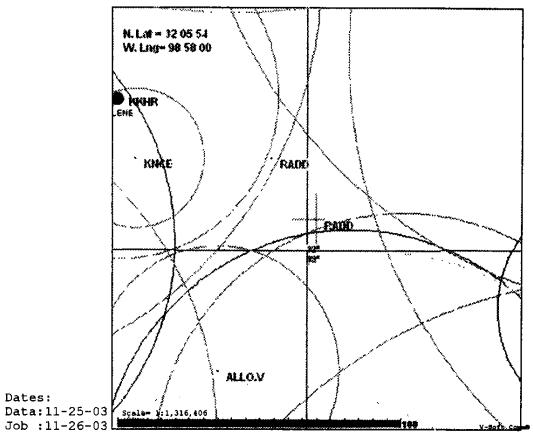
November 26, 2003

RisingStar

Attachment A

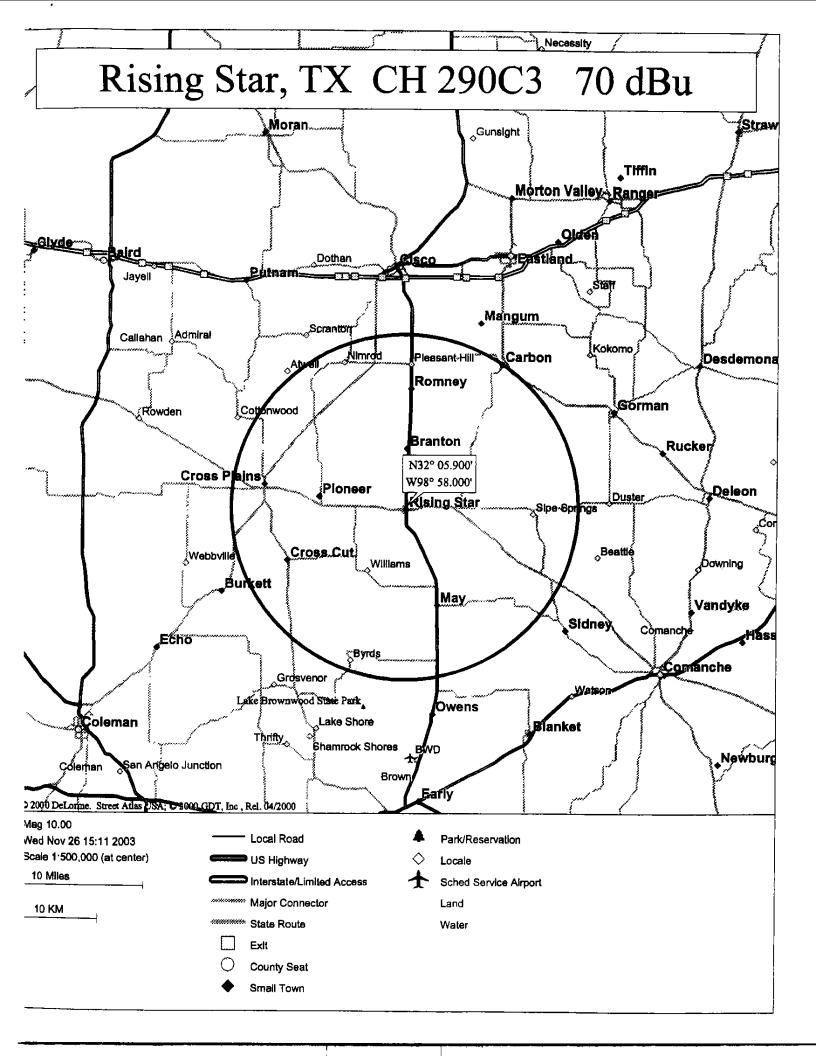
(Channel Study for Channel 290C3 at Rising Star)

FM PROSP(TM)LOCATE STUDY CH 290 C3 105.9 MHz



Dates:

Call	CH#	Type	Location		D-K M	Azi	FCC	Margin
RADD	290C3	ADD	Rising Star	TX	0.00	0.0		-153.00
RADD	290C2	ADD	Baird	TX	26.37	323.3		-150.63
KBALFA	291A	APP-Z	San Saba	TX	92.34	160.1		3.34
RADD KBALFM	291A 291A	ADD	Richland Springs	ТX	93.44	172.4	89.0	4.44
RDEL	291A	LIC DEL	San Saba San Saba	TX TX	103.44 103.44	166.7 166.7	89.0 89.0	$14.44 \\ 14.44$
KRNB	289C	LIC N	Decatur	TX	194.04	42.1	176.0	18.04
ALLO.V	288C3	VAC	Santa Anna	TX	62.76	213.6	43.0	19.76
KHKS	291C	LIC	Denton	TX	195.85	73.3	176.0	19.85
RDĒL	290A	DEL	Rotan	TX	163.80	301.2	142.0	21.80
ALLO.V KKHR	290A 292C2	VAC	Rotan Abilene	ТX	163.80	301.2	142.0	21.80
KNCE	236C1	LIC N	Baird	TX TX	81.28 67.16	301.3	56.0 24.0	25.28 43.16
KFMK	290C2	LIC N	Round Rock	TX	226.08	150.3	177.0	49.08
RADD	289A	ADD	Robert Lee	TX	139.33	266.6	89.0	50.33
KMDX	291C2	LIC N	San Angelo	TX	168.64	244.5	117.0	51.64
960826	289C2		Mason	TX	174.83	185.1	117.0	57.83
RDEL	289C2	DEL	Mason	TX	174.83	185.1	117.0	57.83
RADD	293A	ADD	Cranfills Gap	TX	110.44	106.1	42.0	68.44
KQTZ	290C*	LIC	Hobart	OK	308.99	354.5	237.0	71.99



Attachment B

(Report & Order for MB Docket No. 03-175)

Before the Federal Communications Commission Washington, D.C. 20554

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In the Matter of)	
Amendment of Section 73.202(b))	MB Docket No. 03-175
FM Table of Allotments,	ý	RM-10719
FM Broadcast Stations. (Rising Star, Texas))	
()	Ś	

REPORT AND ORDER (Proceeding Terminated)

Adopted: November 21, 2003

Released: November 26, 2003

By the Assistant Chief, Audio Division:

- 1. The Audio Division has before it a Notice of Proposed Rulemaking¹ issued at the request of Charles Crawford ("Crawford"), requesting the allotment of Channel 290C3 at Rising Star, Texas. Crawford filed late comments expressing his interest in the allotment of Channel 290C3 at Rising Star. Katherine Pyeatt ("Pyeatt") filed a counterproposal proposing a Channel 224C3 allotment at Gustine, Texas. No other comments were filed in response to the Notice. For the reasons discussed below, we are dismissing both the underlying proposal for a Channel 290C3 allotment at Rising Star and the counterproposal for a Channel 224C3 allotment at Gustine.
- 2. Crawford's comments were received at the Commission after the initial comment deadline unaccompanied by a motion to accept. It is the responsibility of the party submitting comments to ensure that documents are delivered to the Commission on time.² Paragraph 2 of the Appendix to the Notice of Proposed Rule Making clearly states that a rulemaking petitioner is expected to file a continuing expression of interest by the initial comment date. Since Crawford's comments were not accompanied by a request for late acceptance and did not contain an explanation for filing after the initial comment date, we will not accept his late-filed expression of interest. Moreover, in view of the filing of a timely counterproposal herein, we cannot consider Crawford's untimely expression of interest. Therefore, having determined that the initial comments of Crawford are deficient, and no other parties have stated an interest in an allotment at Rising Star, Texas, no further consideration will be made with regard to an allotment at Rising Star.
- 3. We are also dismissing the counterproposal for Channel 224C3 at Gustine, Texas. In order to accommodate this allotment, Pyeatt proposed a series of channel substitutions, including the substitution of Channel 287A for Channel 288A at Coahoma, Texas. However, the proposed Channel 287A allotment at Coahoma is short-spaced to the licensed site of Station KTXC. Channel 284C1.

¹ See Rising Star, Texas, 18 FCC Red 15402 (MB 2003)

² See Gosnell and Osceola, Arkansas; Germantown and Ripley, Tennessee, 4 FCC Rcd 6170 (MMB 1989).

Lamesa, Texas, and cannot be considered.3

- 4. IT IS ORDERED, That the petition for rule making filed by Charles Crawford, proposing the allotment of Channel 290C3 at Rising Star, Texas, IS DISMISSED.
- 5 IT IS FURTHER ORDERED, That the Counterproposal filed by Katherine Pyeatt IS DISMISSED.
- 6. For further information regarding the proceeding listed above, contact Kathleen Scheuerle, (202)418-2180.
 - 7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos Assistant Chief, Audio Division Media Bureau

³ See 47 C.F.R. §73.208.